

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alyssa Rogowski	Team: Squad #7	CCRB Case #: 201808267	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 06/16/2018 4:30 AM	Location of Incident: Inside 241st St. Subway Station; Intersection of East 241st Street and Wakefield	Precinct: 47	18 Mo. SOL 12/16/2019	EO SOL 12/16/2019	
Date/Time CV Reported Sat, 09/29/2018 11:15 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/05/2018 11:04 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Zef Camaj	01460	956480	TB DT12
2. POM Melvin Collado	11565	961701	TB DT12

Officer(s)	Allegation	Investigator Recommendation
A.POM Zef Camaj	Force: Police Officer Zef Camaj used physical force against § 87(2)(b)	
B.POM Melvin Collado	Discourtesy: Police Officer Melvin Collado acted discourteously toward § 87(2)(b)	

### Case Summary

On June 16<sup>th</sup>, 2018 § 87(2)(b) reported this incident to IAB and it was closed unsubstantiated following an IAB investigation. On September 29<sup>th</sup>, 2018, § 87(2)(b) called to follow up on his complaint and an IAB investigation resumed. This case was received by the CCRB on October 5<sup>th</sup>, 2018.

On June 16<sup>th</sup>, 2018 between 4:00am and 5:00am, § 87(2)(b) entered the 241<sup>st</sup> Street subway station in the Bronx to take the 2-train downtown. When his subway card did not work, § 87(2)(b) went through the emergency door as someone else was exiting. Police Officer Zef Camaj and Police Officer Melvin Collado, both of the Transit District 12 and identified by the investigation, were standing on the platform and saw § 87(2)(b) enter through the door. PO Camaj and PO Collado then approached § 87(2)(b) and PO Camaj allegedly pushed § 87(2)(b) all the way out of the station and out onto the street (**Allegation A: Force**, § 87(2)(g)).

After PO Camaj went back into the station, § 87(2)(b) reentered the station and reloaded the card but it did not work so § 87(2)(b) went through the door again. § 87(2)(b) encountered the same officers on the platform. PO Camaj again began to push § 87(2)(b) (**subsumed in allegation A**). He began saying “Why are you pushing me, don’t push me” in Spanish and PO Collado intervened. § 87(2)(b) realized that PO Collado spoke Spanish and explained to him that the subway card was not working. § 87(2)(b) was holding the card up in his hand and PO Collado snatched § 87(2)(b)’s card out of his hand (**Allegation B: Discourtesy**, § 87(2)(g)). PO Collado checked that the card and when he saw that it had money on it, he told an MTA employee to let § 87(2)(b) through.

No video evidence was obtained from this incident. The investigation obtained the case file from Internal Affairs Bureau’s and Transit Investigations Unit’s concurrent investigation (Board Review 05).

### Findings and Recommendations

**Allegation A—Force: Police Officer Zef Camaj used physical force against § 87(2)(b)**

**Allegation B—Discourtesy: Police Officer Melvin Collado acted discourteously towards § 87(2)(b)**

§ 87(2)(b) provided a phone statement and in-person statement to the CCRB in addition to statements to IAB (Board Review 01, 02, 05). In statements made to both the CCRB and IAB, § 87(2)(b) provided the name “Gamaj” as the officer who had pushed him, which was found through both investigations to refer to PO Camaj.

On June 16<sup>th</sup>, 2018 between 4:00am and 5:00am, § 87(2)(b) entered the 241<sup>st</sup> Street subway station in the Bronx to take the 2-train downtown (Board Review 02). When his subway card did not work, § 87(2)(b) went through the emergency door as someone else was coming out and took the stairs up to the platform. PO Camaj and PO Collado were standing on the platform and saw § 87(2)(b) enter through the door. PO Camaj approached § 87(2)(b) then pushed him in the chest area with both hands multiple times with enough force to physically move § 87(2)(b) out of the station and onto the street, a distance § 87(2)(b) estimated to be about 10 meters. § 87(2)(b) was trying to speak with him but PO Camaj did not understand him as § 87(2)(b) only speaks Spanish. § 87(2)(b) did not interact with PO Collado at this point, but observed that he was standing behind the PO Camaj. PO Camaj then went back into the station.

After PO Camaj went back into the station, § 87(2)(b) reentered the station and reloaded the card. He attempted to swipe the card and again it did not work so § 87(2)(b) went

through the door again. § 87(2)(b) encountered the same officers on the platform. PO Camaj again began to push § 87(2)(b) slipped as a result of the pushes and hurt his leg. He began saying “Why are you pushing me, don’t push me” in Spanish and PO Collado intervened. § 87(2)(b) realized that PO Collado spoke Spanish and explained to him that the card was not working. § 87(2)(b) was holding the card up in his hand and the PO Collado snatched § 87(2)(b)’s card out of his hand. PO Collado checked that the card and when he saw that it had money on it, he told an MTA employee to let § 87(2)(b) through.

PO Collado recalled that on June 16<sup>th</sup>, 2018 he and PO Camaj conducted a station inspection at the 241<sup>st</sup> Street Subway station as part of their patrol, which generally involves checking the platform, the trains, and potentially going downstairs to talk to the booth (Board Review 03). PO Collado clarified that the 241<sup>st</sup> Street Subway station is an above-ground station and that the platforms are up a flight of stairs from the mezzanine area where the turnstiles and ticket booth are located. From the platform at 241<sup>st</sup> Street Station, the turnstiles can be seen but it is not a clear line of sight. The emergency exit doors are off to the sides on the walls parallel to the turnstiles and it is impossible to see the exit doors from the platform because the width of the stairs does not provide a line of sight to the doors. PO Collado did not recall being by the turnstiles during this patrol.

PO Collado was given a brief summary of the incident as provided by § 87(2)(b). The summary did not sound familiar to PO Collado or jog any further recollection. PO Collado was then shown a photograph of § 87(2)(b). PO Collado did not recognize § 87(2)(b) and did not recall having any interaction with § 87(2)(b) nor did he recall seeing his partner interact with § 87(2)(b). PO Collado did not have any interaction with civilians during this station inspection nor did he recall observed PO Camaj interact with any civilians at the 241<sup>st</sup> Street Station on this day. PO Collado did not recall having any interaction in Spanish with a civilian on this day. PO Collado did not stop § 87(2)(b) nor did he observe PO Camaj stop § 87(2)(b). PO Collado did not observe PO Camaj use physical force against § 87(2)(b) or any civilian during their patrol of the 241<sup>st</sup> Street subway station. PO Collado did not snatch a subway card from § 87(2)(b). PO Collado also stated that no other officers from Transit District 12 were assigned to this sector on this day.

PO Camaj recalled that on June 16<sup>th</sup>, 2018 between 4:13am and 5:16am, he and PO Collado were in the 241<sup>st</sup> Street Subway station, conducting a regular inspection of the train station (Board Review 04). They surveyed the whole station including the mezzanine where the turnstiles are located, but focused on the platform area. PO Camaj clarified that he did not remember checking the turnstiles specifically on this day but stated that whenever he is conducting a patrol at this particular station he always checks the turnstiles. PO Camaj did not recall any specific interactions with civilians on this day. During this sweep, PO Camaj did not issue any warnings or summonses for fair violations. PO Camaj did not recall PO Collado speaking in Spanish with any civilians on this day. PO Camaj stated that while he cannot say for sure, he is fairly certain that he and PO Collado would have been the only officers in that station at that time.

PO Camaj was shown a photograph of § 87(2)(b) and stated that he is not familiar with him from any interaction and has no recollection of ever interacting with § 87(2)(b). After hearing a summary of § 87(2)(b)’s complaint, PO Camaj stated that the incident described was not familiar to him nor did it spark any recollection of an interaction with § 87(2)(b). PO Camaj did not stop § 87(2)(b) nor did he observe PO Collado stop § 87(2)(b). PO Camaj did not

observe PO Collado snatch a subway card away from § 87(2)(b) PO Camaj did not use physical force against § 87(2)(b)

The Internal Affairs Bureau and Transit Investigations Unit conducted a concurrent investigation into this case, which was closed as unsubstantiated (Board Review 05). § 87(2)(b), § 87(2)(g)

§ 87(2)(b) PO Collado and PO Camaj were both interviewed and gave statements similar to that which they provided the CCRB. Sgt. John Fernandez, who conducted the Transit Investigations Unit investigation, also obtained phone statements from two MTA employees, § 87(2)(b) and § 87(2)(b) who were working the ticket booth at the 241<sup>st</sup> Street Subway station around the time of the alleged incident. § 87(2)(b) did not recall seeing any officer use force on an individual on June 16<sup>th</sup>, 2018 nor did she recall seeing any officers in the station (Board Review 06, 07). § 87(2)(b) had no recollection of any incident involving officers on June 16<sup>th</sup>, 2018 nor did she observe any officers using force on anyone (Board Review 08, 09). IAB also noted that no BWC footage was found relating to this incident and that Transit Special Investigations Unit found no cameras at the incident location (Board Review 10).

§ 87(2)(b), § 87(2)(g)

§

7

2

7

(

b)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been party (Board Review 11).
- Police Officer Zef Camaj has been a member-of-service for 4 years and this is the first CCRB complaint to which he has been a subject.
- Police Officer Melvin Collado has been a member-of-service for 2 years and this is the first CCRB complaint to which he has been a subject.

#### **Mediation, Civil and Criminal Histories**

- This case was returned from mediation on January 17<sup>th</sup>, 2019 because the officers declined to mediate.
- According to the Office of the Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 12).
- As of February 21<sup>st</sup>, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 13.)

---

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date